



The Circuit Court
for the Sixth Judicial Court of Michigan
COURTHOUSE TOWER
PONTIAC, MICHIGAN 48341-0404

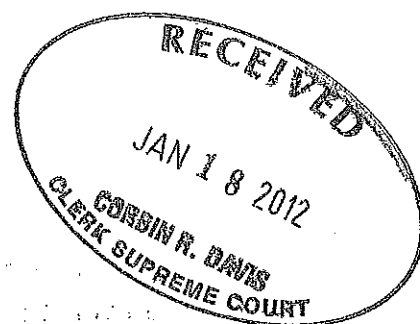
MICHAEL WARREN
CIRCUIT JUDGE

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January 12, 2012

Mr. Corbin Davis
Clerk, Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909



RE: ADM File No. 2005-11
Proposed Alternative Amendments of the Code of Judicial Conduct

Dear Mr. Davis:

I have reviewed with interest the proposed Alternative Amendments to the Judicial Canons in ADM File No. 2005-11. Judges have much to offer our civic society and should be encouraged to do so, subject to appropriate constitutional limits. I generally support the direction of Alternative A, and offer the following suggestions:

1. Contributions. As noted by Judge Baron, Canon 2. G. in Proposal A (which I recognize exists in some form in the existing Canons) is so broad as to raise confusion. It provides "No judge or other . . . committee . . . may accept any contribution of money . . . for a judge's benefit for any purpose whatsoever" "Contribute" means "to give or supply in common with others; give in common fund or for a common purpose." The American Heritage Dictionary, 2d College Ed. This language clearly includes gifts (well, at least those given in common with others) and campaign donations - both of which are later expressly permitted in the Canons. In addition, under an expansive reading one could argue it would include admission to bar-related events, also expressly permitted later. To eliminate the confusion, perhaps Canon 2. G. in Proposal A could begin with: "Unless otherwise expressly permitted in these Canons,"

2. Fundraising Activities. The clarity provided by the revised Canon 4 D. is welcome. There should be a clear prohibition of individual solicitations, and a clear allowance to be a planner, passive supporter, speaker, and awardee. To make this provision more precise (some of it now addresses nonfundraising activities), and because judges should be encouraged (not discouraged) by the Canons to be active contributors to our civic society, I suggest that the fundraising activities section be adopted as follows:

Fundraising Activities. A judge should not individually solicit funds for any educational, religious, charitable, fraternal, or civic organization or any organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. However, on behalf of such an organization, a judge may serve as a member of an honorary fundraising committee; plan fundraising strategies and events; join a general appeal; receive an award or other recognition in connection with fundraising; allow the use of the judge's name or title to be used in connection with advertising a fundraising event (including noting that judge's attendance, speaking role, award or other recognition) and otherwise speak publicly for the organization in connection with such activities.

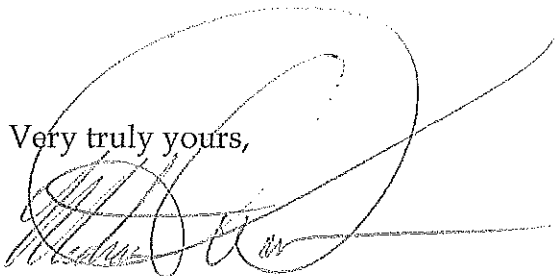
3. Functions and Activities. As you know, judges are often invited to fundraising, campaign, and other civic oriented events on a complimentary basis. There appears to be some confusion about whether judges can accept complimentary tickets without triggering reporting requirements or violations of the Canons depending on the nature of the event, the cost of the event, etc. I suggest that because judges should be encouraged (not discouraged) by the Canons to be active contributors to our civic society, that judges be allowed to accept certain complimentary tickets by amending current 5 C. (4)(a) as follows:

A judge may accept a gift or gifts not to exceed a total value of \$100, incident to a public testimonial; books supplied on a complimentary basis for official use; or a complimentary invitation to the judge and spouse to attend a bar, educational, religious, charitable, fraternal, or civic function or activity.

4. \$100 Thresholds. Although the Canons do not indicate when the \$100 thresholds were originally established, I suspect they have been in effect well over a decade. In light of inflation, I recommend that the threshold be increased to \$150 or \$200 (or as is otherwise appropriate).

Thank you for your consideration in this matter.

Very truly yours,



Hon. Michael Warren

cc: Chief Justice Robert P. Young, Jr.
Justice Michael F. Cavanagh
Justice Marilyn Kelly
Justice Stephen J. Markman
Justice Diane Marie Hathaway
Justice Mary Beth Kelly
Justice Brian K. Zahra
Matthew Schneider
Judges of the Sixth Judicial Circuit